

**CONGRESSMAN SHERWOOD BOEHLERT (R-Ny0
FLOOR STATEMENT ON REFINERY LEGISLATION
May 3, 2006**

Mr. Chairman:

I rise in support of this bill, and I want to thank Chairman Barton and his staff for working cooperatively with us, and Mr. Bass and his staff for facilitating those discussions and providing helpful suggestions.

I think this bill will do no harm and could do some good. While regulations have not prevented oil refinery expansion and while regulations are not the reason that new refineries have not been built, it can't hurt to try to streamline the process as long as streamlining is not a euphemism for weakening environmental protections.

And in this bill, I think we've hit the right balance. This bill is a far cry from the bill the House debated last fall.

In that bill, the Department of Energy, which isn't even involved in refinery permitting, would have been able to impose a schedule on other agencies and states, and that schedule was designed to speed the process at all costs. In today's bill, the Federal government will bring together all the permitting authorities to agree on a permitting schedule acceptable to all of them – and that schedule must allow for the full substantive and procedural review required by law.

In last fall's bill, any legal proceedings were to be biased in favor of the refineries, going even so far as paying their legal costs. In today's bill, while we still create a new cause of action, a court – the federal district court – must consider the behavior of all parties, including whether the refiner has been cooperating fully with regulators, and then the court can do nothing more than impose a new schedule.

And this bill explicitly preserves every provision of current environmental law, including the right to bring citizen suits.

So I think we've struck the right balance. On the one hand, we've set up a procedure to make sure that permitting doesn't take any longer than necessary. On the other hand, we've made sure that permitting schedules are still set by the traditional regulators and allow enough time to accomplish their intended purpose of protecting the public. On the one hand, we've given refiners the ability to sue over schedule. On the other hand, we've put in place a fair standard for those suits and we've limited what the courts can impose as a remedy.

In fact, the process for putting together this bill – other than the cramped schedule – the process is a model for developing legislation. And I hope it will continue to be followed as we work on other energy bills this spring. We ought to be sitting down to work out practical, targeted bills not ramming through environmental rollbacks.

I urge the adoption of this measure. Thank you.